

Appl. No. 10/824,058

PATENT

Response to Restriction Reqmt. dated November 14, 2005

Reply to Restriction Requirement of October 14, 2005

REMARKS/ARGUMENTS

Claims 1-30 are pending in this application. According to the Office Action, restriction to one of the following Groups is required.

Group I: claims 3-5, 12-14, 17, 22-24, and 28-30, characterized as drawn to a kit comprising a tumor suppressor protein. Election of this group requires a species election with regard to the protein of claim 5 and 14.

Group II: claims 2-15, 17-26, and 28-30, characterized as drawn to a kit comprising a tumor suppressor nucleic acid that is wild-type p53. Election of this group requires a species election with regard to the protein of claim 5 and 14.

Group III: claims 3-13, 16, 17, 22-25, and 27-30, characterized as drawn to a kit comprising a tumor suppressor nucleic acid that is retinoblastoma. Election of this group requires a species election with regard to the protein of claims 5, 16, and 27.

Further Restriction to Protein

The Office Action also requests restriction to a single protein as identified in claims 5, 16, and 27.

Species Election

For claim 24, the Office Action requests a species election of a cell type as identified in claim 30.

Response

Applicants elect the claims of Group II, with a species election of p53. For claims 5, 16, and 27, as applicable, Applicants elect p53. For claim 24, Applicants elect head and neck cancer cells. Applicants reserve the right to pursue nonelected subject matter in one or more divisional filings. These elections are made without traverse.

Appl. No. 10/824,058

PATENT

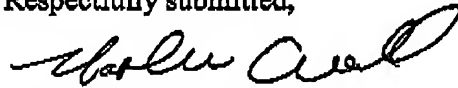
Response to Restriction Reqmt. dated November 14, 2003

Reply to Restriction Requirement of October 14, 2005

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Nathan S. Cassell
Reg. No. 42,396

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
NSC:nap
60635457 v1